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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DAVID NORMAN and WALTER ROMAS,
individually, and on behalf of a class of others
similarly situated,

CV. 07-6028-TC

Plaintiffs,

v.

DELL INC.; and DELL MARKETING USA,
L.P., and

SPHERION CORPORATION,

Defendants.

**DEFENDANT DELL MARKETING
USA, L.P.'S MOTION FOR LEAVE
TO FILE OVERLENGTH BRIEF
PURSUANT TO L.R. 7.2(b)**

**EXPEDITED CONSIDERATION
REQUESTED**

I. CERTIFICATION

Pursuant to Local Rule 7.1, the undersigned certifies that the parties have conferred on this Motion. Counsel for Plaintiffs has no opposition to Defendants Dell Inc. and Dell Marketing USA, L.P.'s Response in Opposition to Plaintiffs' Motion for Certification Under 29 U.S.C.

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OVERLENGTH BRIEF PURSUANT TO L.R. 7.2(b)

§216(b) and Fed. R. Civ. P. 23 exceeding the 35-page limitation by 10 pages, but opposes an extension beyond this length. For the reasons stated below, an overlength opposition brief of up to 55 pages is necessary.

II. MOTION

Pursuant to L.R. 7.2(b), Defendant Dell Marketing USA, L.P. ("Defendant Dell") moves this Court for an Order to allow Defendants Dell Inc. and Dell Marketing USA, L.P. to file an overlength Response in Opposition to Plaintiffs' Motion for Certification Under 29 U.S.C. §216(b) and Fed. R. Civ. P. 23 exceeding the 35-page limitation.

Plaintiffs' Motion for Certification and supporting Memorandum combines two separate motions: (1) for certification of a FLSA collective action under 29 U.S.C. §216(b), and (2) for certification of a class action under Oregon law/Fed. R. Civ. P. 23. Dell has prepared a combined opposition brief in response to both motions. Although Dell has worked diligently to streamline their arguments, the brief nevertheless will exceed the 35-page limitation. Plaintiffs do not oppose an extension of 10 pages, but do oppose anything greater. Plaintiffs' opposition to an extension in excess of 10 pages should not be well taken as they have filed two motions as one. Further, Plaintiffs' request for conditional certification under the FLSA and certification of a class action under Oregon law/Rule 23 requires specific factual support. A sizeable portion of Dell's opposition brief is devoted to thoroughly addressing key factual issues, which were largely stated as conclusory allegations in Plaintiffs' Memorandum. At this time, Dell estimates that their brief will be approximately 55 pages in length.

For the foregoing reasons, Dell respectfully requests this Court issue an Order

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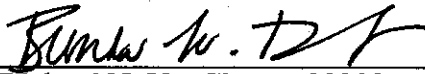
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allowing them to file an overlength opposition brief up to 55 pages in length.

This Motion is made in good faith and supported by the attached Declaration of Brenda K. Baumgart.

DATED this 26th day of February, 2008.

BARRAN LIEBMAN LLP

By 
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Attorneys for Defendants Dell Inc., and
Dell Marketing USA, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2008, I served the foregoing **DEFENDANT DELL MARKETING USA, L.P.'S MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF PURSUANT TO L.R. 7.2(b)** on the following parties at the following addresses:

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**ATTORNEYS FOR DEFENDANT
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By causing the same to be: ☒ e-mailed ☐ mailed ☐ hand delivered ☐ faxed to them a true and correct copy thereof.


Brenda K. Baumgart